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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/560,778

12/14/2005

Nobuo Takami

280599US3PCT

7392

22850

7590

04/07/2008

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.  
1940 DUKE STREET  
ALEXANDRIA, VA 22314

EXAMINER

READY, BRYAN

ART UNIT

PAPER NUMBER

2852

NOTIFICATION DATE

DELIVERY MODE

04/07/2008

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/560,778	TAKAMI, NOBUO	
	<b>Examiner</b>	<b>Art Unit</b>	
	Bryan P. Ready	2852	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 14 December 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 Decemeber 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>20051214</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Claim Objections*

1. Claim 3 is objected to because of the following informalities: Claim 3, line 3, a comma should be inserted after the word "position". Appropriate correction is required.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katsuyama (US 2001/0033758) in view of Schlageter et al. (US 2004/0037591) and Beaufort et al. (US 5,594,535).

Regarding Claims 1, 8-9, 13-14, 15, and 16, Katsuyama discloses (Figure 2) a container holding device, a conveying device, and image forming apparatus, comprising: a container holding member (50) for holding a container (20) that can be detachably attached to the container holding member (50), wherein the container includes a soft, tapered, bad shaped member, including fold lines, that stores contents, and shrinks as external pressure is applied or internal pressure reduces (paragraph 38).

Katsuyama differs from the instant claimed invention in not disclosing: the container holding member capable of moving between a first position that is a position at which the container is attached to or detached from the container holding member and a second position that is a position at which the contents of the container can be

discharged, wherein a moving unit moves the container holding member between the first and second positions; an external pressurizing unit that applies pressure to the bag shaped member; and an external pressurizing unit to apply a lower pressure to the bag-shaped member when the container holding member is at a first position than when the container holding member is at the second position.

Schlageter et al. disclose (Abstract; Figures 7 and 8) container holding member (60) capable of moving between a first position that is a position at which the container is attached to or detached from the container holding member and a second position that is a position at which the contents of the container can be discharged, wherein a moving unit (62) moves the container holding member between the first and second positions.

Beaufort et al. disclose (Figures 3 and 4) an external pressurizing unit (90) that applies pressure to a bag shaped member (85; col. 4, lines 14-25).

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to employ a movable container holding member as disclosed by Schlageter et al., with the disclosure of Katsuyama, for the benefit of a toner refill container capable of simple handling (Schlageter; paragraph 11).

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to employ the external pressurizing unit as disclosed by Beaufort, with the disclosure of Katsuyama, for the benefit providing force to a flexible member such that the flexible member collapses as toner is consumed (Beaufort et al.; col.; 4, lines 14-25).

Additionally, It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to apply a lower pressure to the bag-shaped toner container during removal of toner container, since, as disclosed by Katsuyama '758, it is known that pressure applied to a flexible toner container in a collapsing direction during removal can cause toner to fly out of the toner container (Katsuyama '758; paragraph 5).

Additionally, regarding Claims 2-7, 10-12, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to provide an apparatus that decreases pressure to a bag shaped toner container member during removal of the toner container.

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Matsumoto et al. (US 7,065,313) disclose a regulating device that regulates the shape of a developer container when the volume of the developer container decreases

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bryan P. Ready whose telephone number is (571) 272-9018. The examiner can normally be reached on Mon.-Fri., 9:00 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Gray can be reached on (571) 272-2119. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2852

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/David M Gray/  
Supervisory Patent Examiner, Art Unit 2852

BPR